

## **HR Weekly Podcast 04/01/2015**

Today is April 1, 2015, and welcome to the HR weekly podcast from the State Human Resources Division. Today's topic concerns a recent United States Supreme Court ruling against the United Parcel Service, Inc., or the UPS, in a 2008 pregnancy discrimination case.

The Court on March 25, 2015, ruled in favor of a worker suing her employer, UPS, for putting her on unpaid leave while she was pregnant. Peggy Young, the plaintiff in *Young v. United Parcel Service, Inc.*, argued that UPS discriminated against her under the Pregnancy Discrimination Act by placing her on unpaid leave while she was pregnant. Young had informed her manager that she was unable to lift packages of a certain weight because of her pregnancy, which was a requirement of her job as a UPS driver. UPS, however, stated that pregnancy did not qualify her for light-duty work the company assigned to some other employees. UPS only offered light-duty accommodations to employees injured on the job, those who lost their Department of Transportation driving certification, and those who had a disability under the Americans with Disabilities Act.

Young argued that UPS violated laws stating that pregnant women should be treated the same in employment practices as other persons similar in their ability or inability to work by not giving her light duty accommodations. UPS counter argued that since not all employees were guaranteed accommodations under its policy that the company was not discriminating specifically against pregnant women.

The Court ruled 6-3 in favor of sending Young's lawsuit back to a lower court where she had previously lost in 2008 without a trial. Young's 2008 loss was upheld by the Fourth Circuit in 2013, which led her to appeal to the United States Supreme Court. She can return to the Fourth Circuit Court of Appeals and make a new argument under the McDonnell Douglas framework, which allows arguments that she is a member of a protected class, that she sought an accommodation that was refused, and that UPS accommodated others with similar jobs in the same manner. United States Supreme Court Justice Stephen Breyer, writing for the majority, stated that the lower court needed to ask why UPS could not accommodate pregnant women when they accommodated so many.

While her case was being litigated, UPS changed its policy to add pregnant women to the list of employees eligible for light-duty accommodation as of January 1, 2015. The policy revision, however, did not resolve Young's lawsuit which has been revived by the recent United States Supreme Court's decision. Thank you.